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S. Mark Tuller
Vice President
General Counsel and Secretary

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December 22, 1993

DEC 27 1993

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Gen. Docket No. 93-252: Ex Parte Filing

Dear Mr. Caton:

This letter is submitted by Bell Atlantic Mobile Systems, Inc., to bring the Commission's attention to a development which occurred after comments were filed that is relevant to one of the key issues in this rulemaking.

In its Notice in this docket, the Commission requested comments on the rules it should adopt to bring regulatory parity to the commercial mobile services ("CMS") industry, as Congress directed in the 1993 Omnibus Budget Act. The Commission specifically asked whether it should adopt "equal access" rules for CMS providers which would enable customers of such providers to select their interexchange carrier. Currently, equal access must be offered by only some providers, putting them at a distinct competitive disadvantage to those carriers who are not subject to equal access.

In its opening and reply comments, Bell Atlantic urged that uniform equal access rules be imposed on all CMS providers. It demonstrated that parity could only be achieved if equal access is applied to all CMS traffic between areas that are coterminous with the LATAs and waived areas already imposed on the RBOC cellular carriers. And it proposed fully articulated rules for equal access to ensure customer choice.

In a pleading filed in the AT&T/McCaw transfer of control proceedings,¹ AT&T has now committed to implement equal access to and from McCaw's cellular systems. McCaw is currently the nation's largest CMS provider. AT&T has also committed to use local equal access calling areas that are "comparable in size" to the LATA

¹ In the Matter of American Telephone & Telegraph Co. and McCaw Cellular Communications, Inc., Applications for Consent to Transfer of Control of Radio Licenses, File No. ENF-93-44, "AT&T's and McCaw's Opposition to Petitions to Deny and Reply to Comments," filed December 2, 1993.

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waivered areas currently used by the RBOC carriers. AT&T's support for equal access means that a significant majority of the cellular industry is now committed to equal access, and that adopting it across the board will not be excessive. Imposing equal access on the full CMS industry is thus all the more essential to achieve regulatory parity.

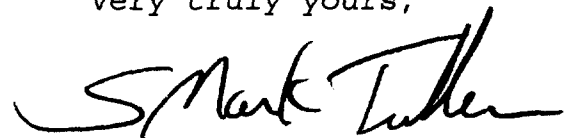
AT&T not only supports equal access but notes its "assumption that the Commission will shortly adopt specific requirements for equal access." It urges the Commission to adopt equal access as part of an "industry-wide rulemaking, applicable to all wireless carriers," rather than as part of the Commission's consideration of its merger with McCaw. And it notes that it needs to be aware of those standards in advance of the merger in order to avoid the "risk that AT&T would implement measures that would have to be dismantled". (Opposition at 53-59.)

The interest of AT&T, Bell Atlantic, and all other parties can best be met by adopting the rules for equal access in the CMS rulemaking. As a practical matter the Commission will need to address this rulemaking well before it is able to take up the AT&T-McCaw applications. Comments in the CMS rulemaking have been on file since November 1993, and under statute the Commission must act by February 1994. In contrast, final comments on the McCaw transaction are not even due until January 18, 1994, and there is no such deadline for the Commission to act on that transaction.

Given the support for equal access in the record of the CMS rulemaking and in AT&T's recent pleading, and the fact that equal access is essential to achieving true competitive parity in the CMS industry, Bell Atlantic urges the Commission to adopt equal access rules for all CMS providers now. Doing so as part of the CMS rulemaking will, as AT&T notes, enable it to make necessary changes to the McCaw system if its acquisition of McCaw is ultimately approved. It will promote parity in the industry. And it will enable PCS applicants to be aware of the rules they are subject to before that auction process begins.

In short, there is every reason to act now on equal access, and Bell Atlantic urges the Commission to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Mark Tuller". The signature is fluid and cursive, with the first name "S." and last name "Tuller" clearly distinguishable.

S. Mark Tuller

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cc: Chairman Reed E. Hundt
Commissioner James H. Quello
Commissioner Andrew C. Barrett
Commissioner Erwin S. Duggan
John Cimko, Jr.
Richard Shiben
Daniel Abeyta
Nancy Boocker
Peter Batacan
Gregory Vogt
Judith Argentieri
Pat Nagle
David Furth